

5.0 List of Preparers

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6.0 Other Applicable Laws

- 6.1 Endangered Species Act of 1973 - Section 7(a)(2) of the ESA requires federal agencies to ensure that their actions are not likely to jeopardize endangered or threatened species or harm their critical habitat. Federal agencies must consult either FWS or NMFS depending on the species involved. A biological opinion analyzing the impact of a proposed action on listed species is issued by FWS or NMFS. Management documents must list endangered or threatened species occurring in the area under management and discuss potential impacts to them stemming from the proposed management measures. NMFS determined the proposed issuance of Permit #1303 may adversely affect shorttailed albatross, and initiated consultation with the U.S. Fish and Wildlife Service (FWS). On December 2001, FWS issued its biological opinion that the issuance of permit #1303 would not jeopardize the continued existence of the short-tailed albatross.
- 6.2 Essential Fish Habitat - Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act requires NMFS to complete an EFH consultation for any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken by the agency that may adversely affect EFH. Consultation is required for renewals, reviews or substantial revisions of actions. The issuance of the proposed permit will not impact designated EFH. As a result, no consultation was conducted.
- 6.3 Magnuson-Stevens Act - Scientific Research Permit (SRP) - SRPs are issued for scientific research conducted by NOAA vessels or under contract to NMFS in order to consider all requirements of law. The Magnuson-Stevens Act exempts scientific research conducted from scientific research vessels from regulation under the Act. For the conduct of this research, the participating vessels are considered scientific research vessels and will be issued SRPs. For more information on scientific research, see the definitions and at 50 CFR 600.10 and the implementing regulations at 50 CFR 600.745.

7.0 Finding of No Significant Impact

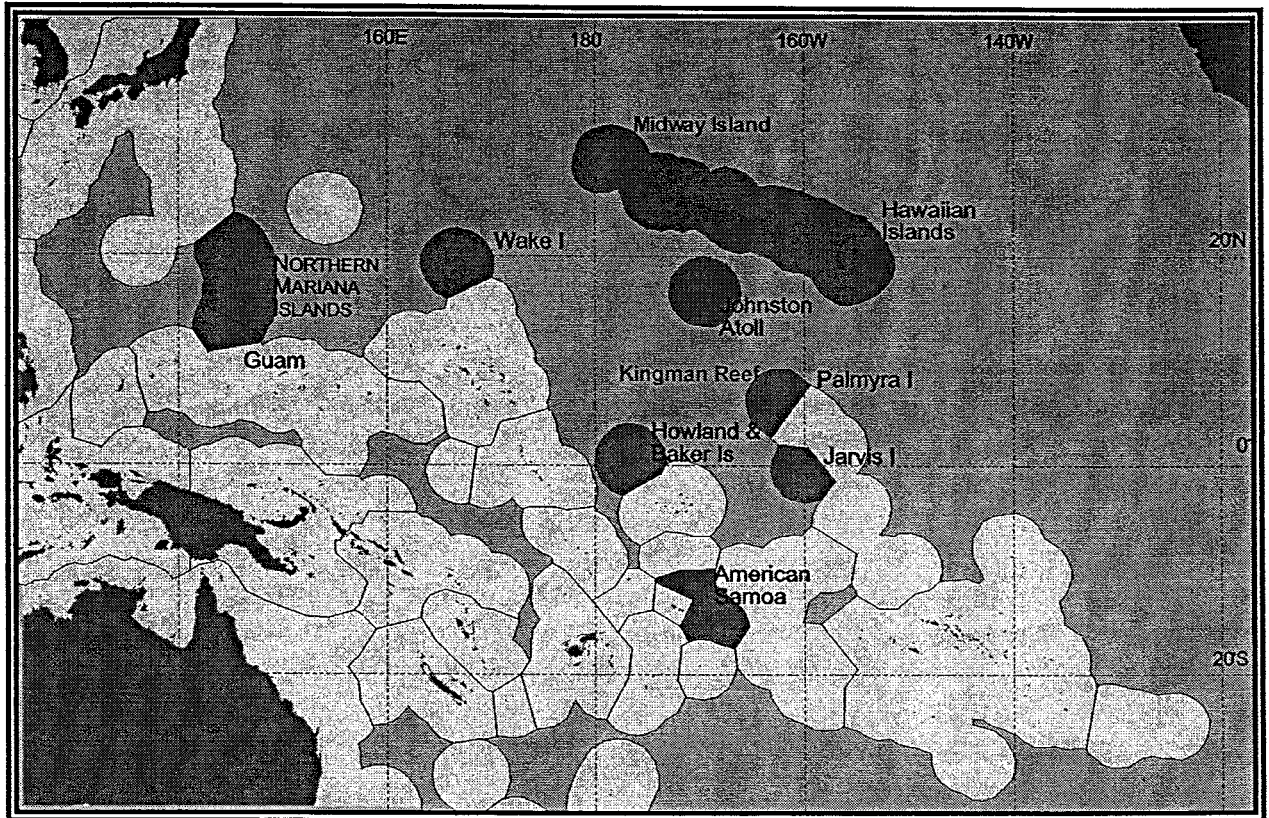
For the reasons discussed in the Environmental Assessment for the issuance of an ESA section 10(a)(1)(A) permit to the NMFS-Honolulu Laboratory for takes of ESA-listed sea turtles associated with scientific research to reduce interactions between listed sea turtles and the Hawai'i-based longline fishery as described in the proposed action section and within the permit application, the National Marine Fisheries Service has determined that issuance of the proposed permit, with all of its mitigating special conditions, would not significantly affect the quality of the human environment. The permit authorizes two of the three proposed research activities to proceed immediately, with special conditions requiring research to immediately stop upon observed or projected estimated post-hooking mortality of 1 leatherback or 4 loggerhead sea turtles, at which point ESA section 7 consultation would be reinitiated and NEPA analysis would be conducted, if appropriate. In addition, the permit would require intermediate review of to-date research activities, any new information, and sea turtle captures and mortality, and a determination by NMFS that the benefits from continuation of the experiments in the third category of proposed research activities would outweigh any detrimental effects to sea turtles, before these later-in-time elements of the experiment occurs. These permit conditions place strict evaluation criteria on research activities. Therefore, preparation of an Environmental Impact Statement on this action is not required by section 102(2) of the National Environmental Policy Act or its implementing regulations.

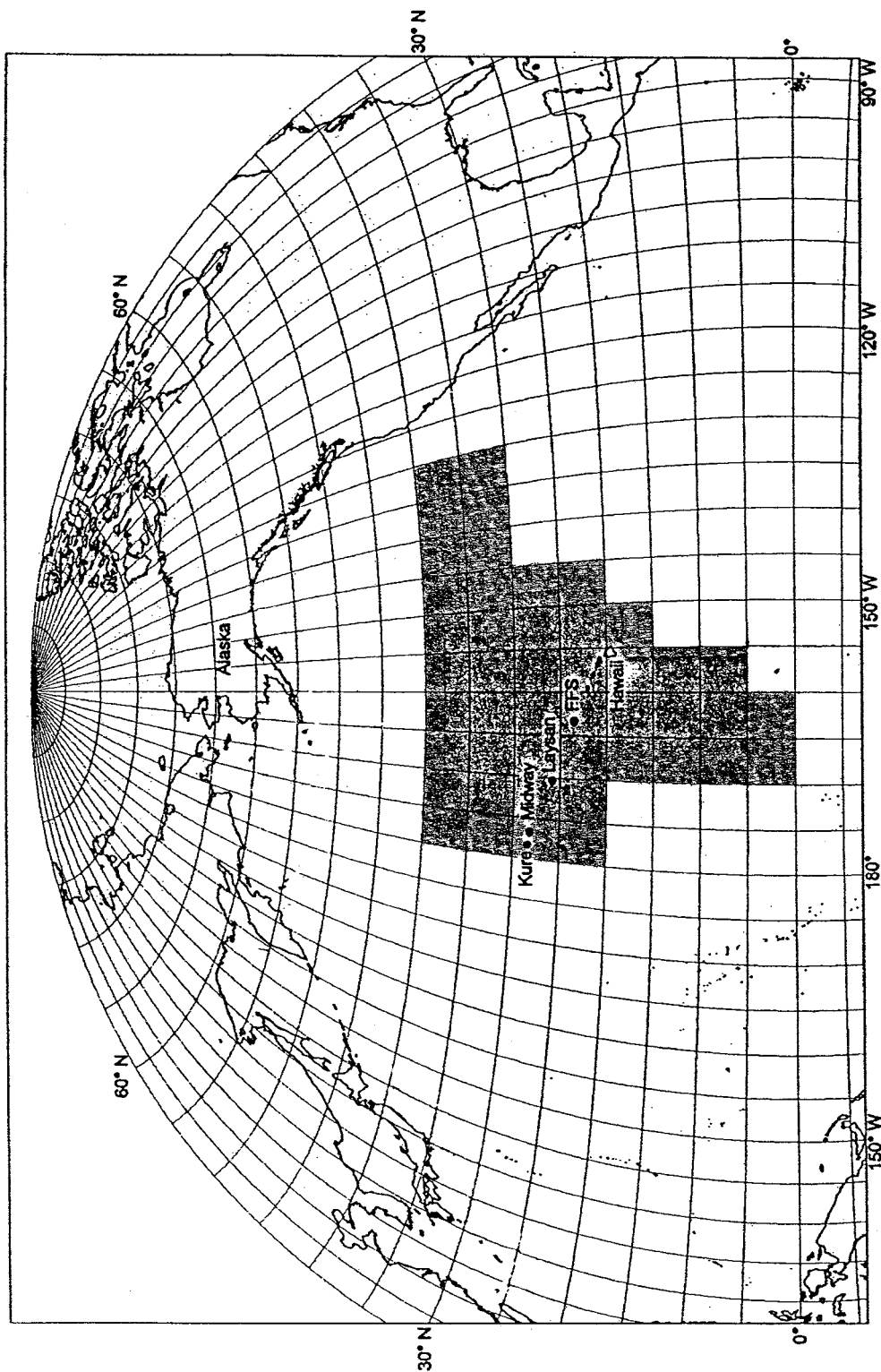
Date: JAN 25 2002

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Figure 2 Exclusive Economic Zones (EEZs) of the Pacific Islands. Source, NMFS Pacific Islands Area Office.





8.0 References

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